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November 14, 2008

California Supreme Court
350 McAllister Street
San Francisco, CA 94102

Via Federal Express

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CLERK SUPREME COURT

RE: *Strauss, et al. v. Horton, et al.*
City and County of San Francisco, et al. v. Horton, et al.
Tyler, et al. v. State of California, et al.
California Supreme Court Case Nos. S168047, S168078, S168066

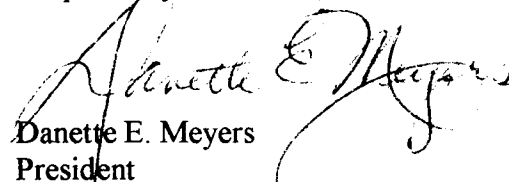
To The Honorable Chief Justice and Associate Justices:

The Los Angeles County Bar Association ("LACBA") submits this letter in support for urging the Court to grant the Petitions for a Writ of Mandate in the above-referenced cases. LACBA notes that several letters have been filed providing compelling reasons why the Court should exercise jurisdiction over these writ petitions. It particularly supports the amicus letter filed by the Beverly Hills Bar Association on November 10, 2008 (a copy of which is attached hereto) and, as an amicus in the *In re Marriage Cases (2008) 43 Cal. 4th 757*, urges the Supreme Court to exercise jurisdiction over such petitions.

Regardless of the ultimate merits of the writ petitions, the issues presented in them ought to be definitively decided as soon as possible because important human and political rights hang in the balance and thousands of citizens of this state cannot live orderly lives without resolution of the issues presented. Moreover, the question whether a protected class may be barred from enjoying a fundamental right based on a bare majority vote is a matter of statewide importance. The implications of the question are wide-reaching; if the majority can relegate disfavored minorities to second class citizenship via the initiative process, no fundamental rights are safe.

For the foregoing reasons, LACBA respectfully urges this Court to grant the Petitions for a Writ of Mandate described above.

Respectfully Submitted,


Danette E. Meyers
President

cc: See Attached Proof of Service



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November 10, 2008

By Federal Express

California Supreme Court
350 McAllister Street
San Francisco, California 94102

Re: *Strauss, et al. v. Horton, et al.*
City and County of San Francisco, et al. v. Horton, et al.
Tyler, et al. v. State of California, et al.
California Supreme Court Case Nos. S168047, S168078, S168066

To The Honorable Chief Justice and Associate Justices:

The Beverly Hills Bar Association, joined by California Women Lawyers, amici in the *In re Marriage Cases*, respectfully urge that this Court exercise original jurisdiction over the above-referenced cases because they present questions of overwhelming and immediate importance to every California citizen. The sooner these questions are resolved, the better for all Californians.

On May 15, 2008, this Court held that sexual orientation is a constitutionally protected classification and that same-sex couples have a fundamental right to marry under the California Constitution. Now, five months later, a bare majority of our populace has passed an initiative (Proposition 8) that purports to eliminate that right, declaring that same-sex marriages are no longer valid or recognized in California.

The question presented is straightforward: Does California law allow one group of citizens, by majority vote on an initiative, to deny other citizens a fundamental constitutional right? This issue begs for definitive resolution.

The impact on same-sex couples is obvious and direct. Proposition 8 purports to invalidate and preclude recognition of existing marriages and to render future marriages illegal. But, the impact of Proposition 8 does not stop there. If, under Proposition 8, a majority vote can lawfully strip a minority of a fundamental constitutional right, then no minority will ever be safe from being stripped of other California constitutional rights by majority vote.

California Supreme Court

November 10, 2008

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The disruptive impact of Proposition 8 is immediate and enormous. It disrupts the lives and relationships of thousands of California citizens. Last Monday, married same-sex couples took comfort in the fact their lives and families were secure in marriage, and unmarried same-sex partners could legitimately plan on gaining that security. The next day all security was snatched away. A bare majority of our citizens decided that same-sex couples could no longer enjoy a fundamental constitutional right simply because of their sexual orientation. Aside from the unseemliness of the message, the vote has created intolerable disruption and uncertainty. Same-sex couples need—and deserve—to be able to plan their lives in a meaningful and orderly fashion, and they need to do be able to do it now, not months or years from now.

While this alone should compel immediate intervention by this Court, there is more. The implications of upholding Proposition 8 potentially affect every California citizen. If a majority can lawfully vote to eliminate a fundamental California constitutional right, then where will it stop? Could a bare majority decide, as a matter of California constitutional law, that people of different races, national origins, or religions may not marry or may no longer enjoy some other right protected by the California constitution? The implications are potentially profound and frightening. They go to the very essence of what our constitutional guarantees mean and what our constitutional government is all about.

Given the magnitude of the issue, the time to act is now. Delay in the circumstances presented here would be intolerable. If a fundamental constitutional right is denied for even a moment, it is a moment too long. We respectfully ask this Court elect to hear these now and to set the matter for hearing at the earliest practicable date.

Respectfully submitted,

GREINES, MARTIN, STEIN & RICHLAND LLP

Irving H. Greines

Cynthia E. Tobisman

By: 

Irving H. Greines

By: 

Cynthia E. Tobisman,

Attorneys for the Beverly Hills Bar Association
and California Women Lawyers

cc: See Attached Proof of Service

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 261 South Figueroa Street, Suite 300, Los Angeles, California 90012.

On November 14, 2008, I served the foregoing document described as: (AMICUS LETTER RE IN RE MARRIAGE CASES) on the parties in this action by serving:

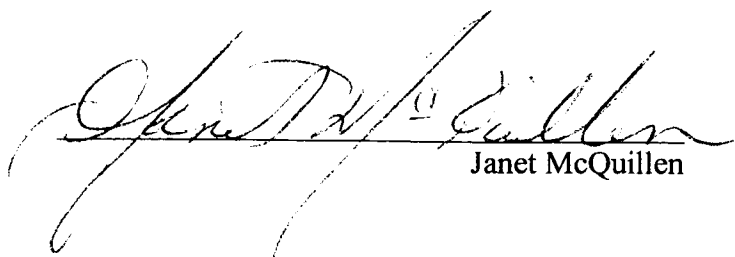
**** SEE ATTACHED SERVICE LIST ****

(X) **By Envelope** - by placing () the original (X) a true copy thereof enclosed in sealed envelopes addressed as above and delivering such envelopes:

(X) **By Mail**: As follows: I am "readily familiar" with this organization's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with United States Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

Executed on **November 14, 2008**, at Los Angeles, California.

(X) (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Janet McQuillen

Strauss, et al. v. Horton, et al.
California Supreme Court Case No. S168047

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Tyler, et al. v. The State of California, et al.
California Supreme Court Case No. S168066

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City and County of San Francisco, et al. v. Horton, et al.
California Supreme Court Case No. S168078

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